

SENATE JOURNAL
OF THE
IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 10, 2005

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Cameron, Davis, and Malepeai, absent and formally excused by the Chair; and Senators Brandt, Burkett, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jenni Hurley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Marley was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Brandt was recorded present at this order of business.

February 10, 2005

The JUDICIARY AND RULES Committee reports that **S 1102** and **S 1103** have been correctly printed.

DARRINGTON, Chairman

S 1102 was referred to the Transportation Committee.

S 1103 was referred to the State Affairs Committee.

February 9, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 21** with the recommendation that it do pass.

SCHROEDER, Chairman

H 21 was filed for second reading.

February 9, 2005

The JUDICIARY AND RULES Committee reports out **S 1053**, **S 1069**, **S 1070**, **S 1072**, and **S 1073** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1053, **S 1069**, **S 1070**, **S 1072**, and **S 1073** were filed for second reading.

February 9, 2005

The JUDICIARY AND RULES Committee reports out **S 1071** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1071** was referred to the Fourteenth Order of Business, General Calendar.

February 9, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 27**, **H 28**, **H 29**, and **H 31** with the recommendation that they do pass.

BUNDERSON, Chairman

H 27, **H 28**, **H 29**, and **H 31** were filed for second reading.

February 10, 2005

The EDUCATION Committee reports out **S 1050** with the recommendation that it do pass.

GOEDDE, Chairman

S 1050 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 9, 2005

Mr. President:

I transmit herewith Enrolled **HCR 5** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 5** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Burkett was recorded present at this order of business.

The President announced that **SCR 106** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Gannon, seconded by Senator Stennett, **SCR 106** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced the Transportation Committee report relative to the Gubernatorial appointments of Neil J. Miller, Rodger Lee Sorensen, and Ralph E. Stout was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, the Gubernatorial appointment of Neil J. Miller as a member of the Idaho Transportation Board was confirmed by voice vote.

On motion by President Pro Tempore Geddes, seconded by Senator Marley, the Gubernatorial appointment of Rodger Lee Sorensen as a member of the Idaho Aeronautics Advisory Board was confirmed by voice vote.

On motion by Senator Brandt, seconded by Senator Marley, the Gubernatorial appointment of Ralph E. Stout as a member of the Idaho Aeronautics Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, the State Affairs Committee report relative to the Gubernatorial appointment of Tom Katsilometes as State Athletic Commissioner retained its place on the calendar.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1104

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO VOLUNTEER FIRE DEPARTMENTS; AMENDING CHAPTER 24, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-2402, IDAHO CODE, TO

PROVIDE THAT VOLUNTEER FIRE DEPARTMENTS MAY COLLECT A SERVICE CHARGE BASED ON A PUBLISHED SCHEDULE OF CHARGES PROVIDED CERTAIN SPECIFIED CONDITIONS ARE MET.

S 1105

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CARE FOR THE MEDICALLY INDIGENT; AMENDING SECTION 31-3501, IDAHO CODE, TO STATE POLICY TO PROVIDE CARE TO PERSONS WHO ARE UNITED STATES CITIZENS OR LEGAL RESIDENTS; AMENDING SECTION 31-3502, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3503, IDAHO CODE, TO GOVERN AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO PROVIDE SERVICES TO THE POINT OF STABILIZATION AND TRANSFER TO THE HOME COUNTRY; AND AMENDING SECTION 31-3510A, IDAHO CODE, TO ESTABLISH LIABILITY OF CERTAIN EMPLOYERS OF NON-UNITED STATES CITIZENS.

S 1106

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ABATEMENT DISTRICTS; AMENDING SECTION 39-2801, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2802, IDAHO CODE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS, TO PROVIDE FOR ELECTIONS TO BE HELD AT THE NEXT REGULARLY SCHEDULED ELECTION DATE AND TO REMOVE LANGUAGE PROVIDING THAT PETITIONERS SHALL BEAR THE EXPENSE OF HOLDING THE ELECTION; AMENDING SECTION 39-2804, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE FOR MOSQUITO OR OTHER VERMIN MANAGEMENT PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2806, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS TERRITORIES AND TO REFERENCE REGULARLY SCHEDULED ELECTIONS; AMENDING SECTION 39-2807, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS DISTRICTS; AMENDING SECTION 39-2809, TO REVISE THE SHORT TITLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2812, IDAHO CODE, TO SET FORTH EMERGENCY AND INTERIM PEST MANAGEMENT PROVISIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2813, IDAHO CODE, TO PROVIDE FOR THE OPERATION OF ABATEMENT DISTRICTS BY COUNTIES; AND AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1107
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO ABATEMENT DISTRICTS; AMENDING SECTION 39-2801, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2802, IDAHO CODE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS, TO PROVIDE FOR ELECTIONS TO BE HELD AT THE NEXT REGULARLY SCHEDULED ELECTION DATE AND TO REMOVE LANGUAGE PROVIDING THAT PETITIONERS SHALL BEAR THE EXPENSE OF HOLDING THE ELECTION; AMENDING SECTION 39-2804, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE FOR MOSQUITO OR OTHER VERMIN MANAGEMENT PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2805, IDAHO CODE, TO PROVIDE FOR AN ALTERNATIVE BUDGET GROWTH FACTOR FOR ABATEMENT DISTRICTS; AMENDING SECTION 39-2806, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS TERRITORIES AND TO REFERENCE REGULARLY SCHEDULED ELECTIONS; AMENDING SECTION 39-2807, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS DISTRICTS; AMENDING SECTION 39-2809, TO REVISE THE SHORT TITLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2812, IDAHO CODE, TO SET FORTH EMERGENCY AND INTERIM PEST MANAGEMENT PROVISIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2813, IDAHO CODE, TO PROVIDE FOR THE OPERATION OF ABATEMENT DISTRICTS BY COUNTIES; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE AN EXEMPTION; AND DECLARING AN EMERGENCY.

S 1104, S 1105, S 1106, and S 1107 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1057, by Transportation Committee, was read the second time at length and filed for third reading.

S 1059, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 10, H 14, and H 25, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, **S 1030** was referred to the Fourteenth Order of Business, General Calendar.

S 1052 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Little and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Cameron, Davis, Keough, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared **S 1052** passed, title was approved, and the bill ordered transmitted to the House.

S 1064 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Cameron, Davis, Keough, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared **S 1064** passed, title was approved, and the bill ordered transmitted to the House.

S 1067 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Corder. Total - 1.

Absent and excused--Cameron, Davis, Keough, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared **S 1067** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Friday, February 11, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary